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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,155	09/29/2000	Elizabeth Ann Murphy	19046.0001	3336
23517	7590	06/12/2006	EXAMINER	
BINGHAM MCCUTCHEN LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007			CRABTREE, JOSHUA DAVID	
			ART UNIT	PAPER NUMBER
			3715	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/675,155

Applicant(s)

MURPHY ET AL.

Examiner

Joshua D. Crabtree

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 16-18, 20-32, 35-37, 39-51, 54-56, and 58-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-18, 20-32, 35-37, 39-51, 54-56, and 58-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. In response to the amendment dated 7/22/2005; claims 14, 15, 19, 33, 34, 38, 52, 53, and 57 cancelled; claims 1-13, 16-18, 20-32, 35-37, 39-51, 54-56, and 58-72 pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-12, 16, 17, 20-31, 35, 36, 39-50, 54, 55, and 58-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Simon (US 6,498,920).

With regard to claims 1, 20, and 39, and the limitations of identifying employer business information requirements for respective user job functions, and creating a profile specifically for a user defining the user's job function, Simon discloses providing a unique log-in I.D. for the employee, enabling the user to access content that is specific to his or her job function (Col. 3: 31-36). With regard to the limitation of determining personalized business information to provide to the user that is specific to a set of activities that the user was specifically employed to perform based on the created

profile and the employer's business information requirements for the user's job function, Simon discloses that training modules are presented to the employee which are specifically suited to the user's job responsibilities (Col. 3: 36-38). With regard to the limitation of providing the personalized business information to the user, wherein the personalized business information includes at least a first segment of information operable to navigate the user to a second segment of information stored at a location remote from the first segment of information, Simon discloses that the user accesses the training content on website (Col. 3: 53-60), and that the training content is located on a database (Col. 3: 7-10). Simon discloses that the invention is to be used through a network, such as the Internet (Col. 3: 7-24). With regard to claim 39, and the limitation of a computer, a network, and a server, Simon discloses that the invention is implemented as part of an Internet based training site (Col. 3: 7-23).

With regard to claims 2, 21, and 40, and the limitation of generating personal training activity data associated with use of provided personalized professional training, the personal activity data including training progress data and training performance data, wherein the coursework of the personalized training is provided based on the created profile, Simon discloses that a certificate of completion is generated after the user has successfully completed the training module (Col. 5: 24-27). Simon also discloses generating a letter to indicate progress by the user (Col. 5: 31-35).

With regard to claims 3, 4, 22, 23, 41, and 42, and the limitations of recording and storing progress and performance data, Simon discloses that a certificate of completion

may be printed and stored (Col. 6: 1-2). Since the certificate is a document, this also covers the limitation, in claims 5, 24, and 43, of generating a document based on the progress and training.

With regard to claims 6, 26, and 44, and the limitation of obtaining a first set of administrative instructions, and generating documents in accordance with the administrative instructions, Simon discloses that an authorized company representative may author or edit the training modules presented to the employee (Col. 6: 6-44; See also Fig. 11).

With regard to claims 7 and 45, Simon discloses that the training modules are stored in a database (Col. 3: 7-10).

With regard to claims 8, 27, and 46, and the limitation of obtaining a second set of administrative instructions, Simon discloses a plurality of instructions may be received from an authorized company representative. Simon discloses that the authorized representative may choose different phrasing of certain elements in the training module, and may also edit or change quiz answers as well (Col. 4: 12-24). Simon also discloses that new material may be written for the program (Col. 4: 32-36).

With regard to claims 9, 28, and 47, and the limitation of the personalized business information including knowledge types, Simon discloses an example of training modules related to various subjects such as antitrust law and insider trading (Col. 4: 25-33; Item 34 in Fig. 2).

With regard to claims 10, 29, and 48, and the limitation of linking the knowledge types together, Simon discloses that the knowledge types are all related to the operation of a fictitious company (Col. 5: 1-10).

With regard to claims 11, 30, and 49, and the limitation of the knowledge types including a descriptive text area, Simon discloses listing knowledge types with a descriptive text area (See Fig. 6).

With regard to claims 12, 31, and 50, Simon discloses knowledge types containing links to training modules (Item 34 in Fig. 2; Col. 4: 59-61).

With regard to claims 16, 17, 35, 36, 54, and 55, Simon discloses creating a profile based on various pieces of user information, and generating a training module suited to the employee (Col. 3: 25-42).

With regard to claims 58, 63, and 68, and the limitation of generating knowledge use data associated with use of the personalized business information, Simon discloses generating quiz questions associated with different knowledge types, which are only presented to the user if he or she requires them (Col. 2: 3-5; Col. 3: 60-64; Col. 4: 4-11).

With regard to claims 59, 60, 64, 65, 69, and 70, and the limitations of recording and storing knowledge use data, Simon discloses that the quiz questions are recorded and stored on a database (Col. 3: 7-10; Col. 6: 6-29).

With regard to claims 61, 66, and 71, and the limitation of generating documents based on the knowledge use data, Simon discloses generating a certificate of completion once the user has completed the training module (Col. 6: 1-2).

With regard to claims 62, 67, and 72, and the limitation of providing updated personalized business information based on the amount of personalized business information completed, Simon discloses that the personalized training modules may be edited or augmented to suit the specific needs of the individual (Col. 6: 57-60).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13, 32, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon in view of Alcorn et al. (US 6,988,138). Simon does not disclose the limitation of embedding in the first segment of information an object operable to initiate communication with at least one other user. Alcorn et al. teach a chat feature, which a

user may access by clicking on a virtual chat link, which allows a user to initiate contact with another user (Col. 15: 57-65; Item 1210 in Fig. 12). Alcorn et al. teach that some instructors may prefer a group or collaborative approach, and that this feature provides for student group interaction and collaboration within a course (Col. 8: 34-47). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Alcorn et al. into the invention of Simon in order to provide an instructional system in which users may communicate with one another for collaborative purposes.

3. Claims 18, 37, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon in view of Allison (US 6,546,230).

With regard to claims 18, 37, and 56, Simon does not disclose the limitation of providing notification including at least one of: a dialog to users communicating updates to compliance knowledge, a dialog communicating additional training requirements, a dialog communicating upcoming examination, or a dialog communicating continuing education requirements. Allison teaches communicating additional training requirements (Item 216 in Fig. 7; Col. 10: 39-45). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Allison into the invention of Simon in order to provide a training system in which the user is alerted to areas in which he or she requires improvement. This would enable the employee to understand what skills he or she may lack, which may be necessary to retain his or her job.



*Response to Arguments*

4. Applicant's arguments with respect to claims 1-13, 16-18, 20-32, 35-37, 39-51, 54-56, and 58-72 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D. Crabtree  
May 30, 2006

  
KATHLEEN MOSSER  
PRIMARY EXAMINER